

Union Calendar No. 337

108TH CONGRESS
2D SESSION

H. R. 3980

[Report No. 108–575, Part I]

To establish a National Windstorm Impact Reduction Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2004

Mr. NEUGEBAUER (for himself and Mr. MOORE) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 28, 2004

Additional sponsors: Mr. MANZULLO, Mr. LAMPSON, Mr. STENHOLM, Mr. MARIO DIAZ-BALART of Florida, Mr. GORDON, Mr. HONDA, Mr. SMITH of Texas, Mr. BOEHLERT, Mr. CASE, Mr. ACEVEDO-VILÁ, Mr. JOHN, Mr. MCINTYRE, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. HILL, Mr. GOODE, Mr. COOPER, Mr. BURGESS, Ms. HART, Mr. COLE, Mr. SESSIONS, Ms. GRANGER, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. PEARCE, Mr. HALL, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. PRICE of North Carolina, Mr. CULBERSON, Mrs. CAPITO, Mr. LUCAS of Oklahoma, Mr. LINCOLN DIAZ-BALART of Florida, Ms. LOFGREN, Mr. UDALL of Colorado, Mr. MEEK of Florida, Mr. DEUTSCH, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. DAVIS of Tennessee, Mr. GOODLATTE, and Mrs. JO ANN DAVIS of Virginia

JUNE 28, 2004

Reported from the Committee on Science with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 28, 2004

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 28, 2004

JUNE 28, 2004

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 17, 2004]

A BILL

To establish a National Windstorm Impact Reduction Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Windstorm Im-*
5 *pact Reduction Act of 2004”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 *(1) Hurricanes, tropical storms, tornadoes, and*
9 *thunderstorms can cause significant loss of life, in-*
10 *jury, destruction of property, and economic and social*
11 *disruption. All States and regions are vulnerable to*
12 *these hazards.*

13 *(2) The United States currently sustains several*
14 *billion dollars in economic damages each year due to*
15 *these windstorms. In recent decades, rapid develop-*
16 *ment and population growth in high-risk areas has*
17 *greatly increased overall vulnerability to windstorms.*

1 (3) *Improved windstorm impact reduction meas-*
2 *ures have the potential to reduce these losses*
3 *through—*

4 (A) *cost-effective and affordable design and*
5 *construction methods and practices;*

6 (B) *effective mitigation programs at the*
7 *local, State, and national level;*

8 (C) *improved data collection and analysis*
9 *and impact prediction methodologies;*

10 (D) *engineering research on improving new*
11 *structures and retrofitting existing ones to better*
12 *withstand windstorms, atmospheric-related re-*
13 *search to better understand the behavior and im-*
14 *pact of windstorms on the built environment,*
15 *and subsequent application of those research re-*
16 *sults; and*

17 (E) *public education and outreach.*

18 (4) *There is an appropriate role for the Federal*
19 *Government in supporting windstorm impact reduc-*
20 *tion. An effective Federal program in windstorm im-*
21 *pact reduction will require interagency coordination,*
22 *and input from individuals, academia, the private*
23 *sector, and other interested non-Federal entities.*

24 **SEC. 3. DEFINITIONS.**

25 *In this Act:*

1 (1) *The term “Director” means the Director of*
2 *the Office of Science and Technology Policy.*

3 (2) *The term “State” means each of the States*
4 *of the United States, the District of Columbia, the*
5 *Commonwealth of Puerto Rico, the United States Vir-*
6 *gin Islands, Guam, American Samoa, the Common-*
7 *wealth of the Northern Mariana Islands, and any*
8 *other territory or possession of the United States.*

9 (3) *The term “windstorm” means any storm*
10 *with a damaging or destructive wind component, such*
11 *as a hurricane, tropical storm, tornado, or thunder-*
12 *storm.*

13 **SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PRO-**
14 **GRAM.**

15 (a) *ESTABLISHMENT.—There is established the Na-*
16 *tional Windstorm Impact Reduction Program (in this Act*
17 *referred to as the “Program”).*

18 (b) *OBJECTIVE.—The objective of the Program is the*
19 *achievement of major measurable reductions in losses of life*
20 *and property from windstorms. The objective is to be*
21 *achieved through a coordinated Federal effort, in coopera-*
22 *tion with other levels of government, academia, and the pri-*
23 *vate sector, aimed at improving the understanding of wind-*
24 *storms and their impacts and developing and encouraging*

1 *implementation of mitigation measures to reduce those im-*
2 *pacts.*

3 (c) *INTERAGENCY WORKING GROUP.*—*Not later than*
4 *90 days after the date of enactment of this Act, the Director*
5 *shall establish an Interagency Working Group consisting of*
6 *representatives of the National Science Foundation, the Na-*
7 *tional Oceanic and Atmospheric Administration, the Na-*
8 *tional Institute of Standards and Technology, the Federal*
9 *Emergency Management Agency, and other Federal agen-*
10 *cies as appropriate. The Director shall designate an agency*
11 *to serve as Chair of the Working Group and be responsible*
12 *for the planning, management, and coordination of the Pro-*
13 *gram, including budget coordination. Specific agency roles*
14 *and responsibilities under the Program shall be defined in*
15 *the implementation plan required under subsection (e).*

16 *General agency responsibilities shall include the following:*

17 (1) *The National Institute of Standards and*
18 *Technology shall support research and development to*
19 *improve building codes and standards and practices*
20 *for buildings, structures, and lifelines.*

21 (2) *The National Science Foundation shall sup-*
22 *port research in engineering and the atmospheric*
23 *sciences to improve the understanding of the behavior*
24 *of windstorms and their impact on buildings, struc-*
25 *tures, and lifelines.*

1 (3) *The National Oceanic and Atmospheric Ad-*
 2 *ministration shall support atmospheric sciences re-*
 3 *search to improve the understanding of the behavior*
 4 *of windstorms and their impact on buildings, struc-*
 5 *tures, and lifelines.*

6 (4) *The Federal Emergency Management Agency*
 7 *shall support the development of risk assessment tools*
 8 *and effective mitigation techniques, windstorm-related*
 9 *data collection and analysis, public outreach, and in-*
 10 *formation dissemination.*

11 (d) *PROGRAM COMPONENTS.—*

12 (1) *IN GENERAL.—The Program shall consist of*
 13 *three primary mitigation components: improved un-*
 14 *derstanding of windstorms, windstorm impact assess-*
 15 *ment, and windstorm impact reduction. The compo-*
 16 *nents shall be implemented through activities such as*
 17 *data collection and analysis, risk assessment, out-*
 18 *reach, technology transfer, and research and develop-*
 19 *ment. To the extent practicable, research activities au-*
 20 *thorized under this Act shall be peer-reviewed, and the*
 21 *components shall be designed to be complementary to,*
 22 *and avoid duplication of, other public and private*
 23 *hazard reduction efforts.*

24 (2) *UNDERSTANDING OF WINDSTORMS.—Activi-*
 25 *ties to enhance the understanding of windstorms shall*

1 *include research to improve knowledge of and data*
2 *collection on the impact of severe wind on buildings,*
3 *structures, and infrastructure.*

4 (3) *WINDSTORM IMPACT ASSESSMENT.—Activities*
5 *to improve windstorm impact assessment shall*
6 *include—*

7 (A) *development of mechanisms for col-*
8 *lecting and inventorying information on the per-*
9 *formance of buildings, structures, and infrastruc-*
10 *ture in windstorms and improved collection of*
11 *pertinent information from sources, including*
12 *the design and construction industry, insurance*
13 *companies, and building officials;*

14 (B) *research, development, and technology*
15 *transfer to improve loss estimation and risk as-*
16 *essment systems; and*

17 (C) *research, development, and technology*
18 *transfer to improve simulation and computa-*
19 *tional modeling of windstorm impacts.*

20 (4) *WINDSTORM IMPACT REDUCTION.—Activities*
21 *to reduce windstorm impacts shall include—*

22 (A) *development of improved outreach and*
23 *implementation mechanisms to translate existing*
24 *information and research findings into cost-effec-*
25 *tive and affordable practices for design and con-*

1 *struction professionals, and State and local offi-*
2 *cials;*

3 *(B) development of cost-effective and afford-*
4 *able windstorm-resistant systems, structures, and*
5 *materials for use in new construction and ret-*
6 *rofit of existing construction; and*

7 *(C) outreach and information dissemination*
8 *related to cost-effective and affordable construc-*
9 *tion techniques, loss estimation and risk assess-*
10 *ment methodologies, and other pertinent infor-*
11 *mation regarding windstorm phenomena to Fed-*
12 *eral, State, and local officials, the construction*
13 *industry, and the general public.*

14 *(e) IMPLEMENTATION PLAN.—Not later than 1 year*
15 *after date of enactment of this Act, the Interagency Working*
16 *Group shall develop and transmit to the Congress an imple-*
17 *mentation plan for achieving the objectives of the Program.*
18 *The plan shall include—*

19 *(1) an assessment of past and current public and*
20 *private efforts to reduce windstorm impacts, includ-*
21 *ing a comprehensive review and analysis of wind-*
22 *storm mitigation activities supported by the Federal*
23 *Government;*

24 *(2) a statement of strategic goals and priorities*
25 *for each Program component area;*

1 (3) a description of how the Program will
2 achieve such goals, including detailed responsibilities
3 for each agency; and

4 (4) a description of plans for cooperation and co-
5 ordination with interested public and private sector
6 entities in each program component area.

7 (f) *BIENNIAL REPORT.*—The Interagency Working
8 Group shall, on a biennial basis, and not later than 180
9 days after the end of the preceding 2 fiscal years, transmit
10 a report to the Congress describing the status of the wind-
11 storm impact reduction program, including progress
12 achieved during the preceding two fiscal years. Each such
13 report shall include any recommendations for legislative
14 and other action the Interagency Working Group considers
15 necessary and appropriate. In developing the biennial re-
16 port, the Interagency Working Group shall consider the rec-
17 ommendations of the Advisory Committee established under
18 section 5.

19 **SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM**
20 **IMPACT REDUCTION.**

21 (a) *ESTABLISHMENT.*—The Director shall establish a
22 National Advisory Committee on Windstorm Impact Re-
23 duction, consisting of not less than 11 and not more than
24 15 non-Federal members representing a broad cross section
25 of interests such as the research, technology transfer, design

1 *and construction, and financial communities; materials*
 2 *and systems suppliers; State, county, and local govern-*
 3 *ments; the insurance industry; and other representatives as*
 4 *designated by the Director.*

5 (b) *ASSESSMENT.—The Advisory Committee shall as-*
 6 *sess—*

7 (1) *trends and developments in the science and*
 8 *engineering of windstorm impact reduction;*

9 (2) *the effectiveness of the Program in carrying*
 10 *out the activities under section 4(d);*

11 (3) *the need to revise the Program; and*

12 (4) *the management, coordination, implementa-*
 13 *tion, and activities of the Program.*

14 (c) *BIENNIAL REPORT.—At least once every two years,*
 15 *the Advisory Committee shall report to Congress and the*
 16 *Interagency Working Group on the assessment carried out*
 17 *under subsection (b).*

18 (d) *SUNSET EXEMPTION.—Section 14 of the Federal*
 19 *Advisory Committee Act shall not apply to the Advisory*
 20 *Committee established under this section.*

21 **SEC. 6. SAVINGS CLAUSE.**

22 *Nothing in this Act supersedes any provision of the*
 23 *National Manufactured Housing Construction and Safety*
 24 *Standards Act of 1974. No design, construction method,*
 25 *practice, technology, material, mitigation methodology, or*

1 *hazard reduction measure of any kind developed under this*
 2 *Act shall be required for a home certified under section 616*
 3 *of the National Manufactured Housing Construction and*
 4 *Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant*
 5 *to standards issued under such Act, without being subject*
 6 *to the consensus development process and rulemaking proce-*
 7 *dures of that Act.*

8 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) *FEDERAL EMERGENCY MANAGEMENT AGENCY.—*
 10 *From sums otherwise authorized to be appropriated, there*
 11 *are authorized to be appropriated to the Federal Emergency*
 12 *Management Agency for carrying out this Act—*

13 (1) *\$8,000,000 for fiscal year 2005;*

14 (2) *\$8,700,000 for fiscal year 2006; and*

15 (3) *\$9,400,000 for fiscal year 2007.*

16 (b) *NATIONAL SCIENCE FOUNDATION.—From sums*
 17 *otherwise authorized to be appropriated, there are author-*
 18 *ized to be appropriated to the National Science Foundation*
 19 *for carrying out this Act—*

20 (1) *\$8,000,000 for fiscal year 2005;*

21 (2) *\$8,700,000 for fiscal year 2006; and*

22 (3) *\$9,400,000 for fiscal year 2007.*

23 (c) *NATIONAL INSTITUTE OF STANDARDS AND TECH-*
 24 *NOLOGY.—From sums otherwise authorized to be appro-*
 25 *priated, there are authorized to be appropriated to the Na-*

1 *tional Institute of Standards and Technology for carrying*
 2 *out this Act—*

3 *(1) \$2,000,000 for fiscal year 2005;*

4 *(2) \$3,000,000 for fiscal year 2006; and*

5 *(3) \$4,000,000 for fiscal year 2007.*

6 *(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
 7 *TRATION.—From sums otherwise authorized to be appro-*
 8 *priated, there are authorized to be appropriated to the Na-*
 9 *tional Oceanic and Atmospheric Administration for car-*
 10 *rying out this Act—*

11 *(1) \$2,000,000 for fiscal year 2005;*

12 *(2) \$2,100,000 for fiscal year 2006; and*

13 *(3) \$2,200,000 for fiscal year 2007.*

14 **SEC. 8. BIENNIAL REPORT.**

15 *Section 37(a) of the Science and Engineering Equal*
 16 *Opportunities Act (42 U.S.C. 1885d(a)) is amended by*
 17 *striking “By January 30, 1982, and biennially thereafter”*
 18 *and inserting “By January 30 of each odd-numbered year”.*

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